

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA  
Alexandria Division**

IN RE: GERBER PRODUCTS COMPANY  
HEAVY METALS BABY FOOD  
LITIGATION

Master File No. 1:21-cv-00269 (MSN/JFA)

This Document Relates to ALL Cases

**PLAINTIFFS' MOTION TO COMPEL NESTLÉ DOCUMENTS,  
CUSTODIANS, AND SUBSTANTIAL COMPLETION DATE**

Plaintiffs, by counsel, respectfully request that the Court grant their Motion to Compel Nestlé Documents, Custodians, and Substantial Completion Date and compel Gerber to (1) produce documents that reside at Nestle, S.A. and other Nestle affiliates (including by adding custodians from Nestle Group entities to its ESI searches), and prepare a corporate designee to testify regarding Nestle's knowledge; (2) produce responsive documents from the custodians already identified in Gerber's initial disclosures, as well as Gerber's current and former CEOs; and (3) substantially complete its production of documents by September 15, 2022. The parties have met and conferred in good faith multiple times via Zoom over the course of the last several weeks, and contrary to evidence and the standard in this district, Gerber has taken the position that documents held by members of the Nestlé Group are not within the possession, custody, or control of Gerber. The reasons in support of this Motion are stated in the accompanying Memorandum in Support.

Dated: August 26, 2022

By: /s/ Steven J. Toll

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*Plaintiffs' Interim Co-Lead Counsel*

**CERTIFICATE OF SERVICE**

I hereby certify that on August 26, 2022, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system, which will send notice of electronic filing to all counsel of record.

By: /s/ Steven J. Toll

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